

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

David WALLACH et al

Appln. No.: 09/445,223

Filed: December 6, 1999

For: MODULATION OF INTRACELLULAR
INFLAMMATION, CELL DEATH, AND
CELL SURVIVAL PATHWAYS

ATTY.'S DOCKET: WALLACH=24

Conf. No.: 9660

Art Unit: 1642

Examiner: M.T. Davis

Washington, D.C.

June 15, 2004

BY TELEFACSIMILE

JUN 15 2004

OFFICIAL

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCESHonorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated January 15, 2004, of the Primary Examiner. The claims appealed are claims 5-8, 11, 23, 24, 44-48 and 51-54.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$330.00

\$165.00 (small entity)

Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 55.00

[] Second - \$210.00

[] Third - \$475.00

[] Fourth - \$740.00

month after time period set

Other Than Small Entity
Response Filed Within

[] First - \$ 110.00

[X] Second - \$ 420.00

[] Third - \$ 950.00

[] Fourth - \$1480.00

month after time period set

[X] Less fees (\$ 110.00) already paid for 1 months extension of time on 5/11/2004.

XXX Please charge my Deposit Account No. 02-4035 \$640.00

Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:

Roger L. Browdy
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, 703-872-9306 on the date shown below.

Rae Dethlefsen

Name

A handwritten signature in dark ink, appearing to read "Rae Dethlefsen", is written over a horizontal line.

Signature

June 15, 2004

Date